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Remarks

Claims 1-10 are pending. Claim 1 is the only independent claim.

Reconsideration and reexamination of the application is respectfully requested.

The Claim 9 has been amended so as to no longer include the "diagnostic means", for overcoming the corresponding rejection under 35, U.S.C 112, first paragraph. Such amended Claim 9 now includes features disclosed originally at page 5, lines 10-12 of applicant's original disclosure.

The dependency of the Claim 6 has been amended to provide proper antecedent basis for "presence and/or motion sensors" for the Claim 7 (dependent upon the Claim 6), thereby to overcome the corresponding rejection under 35, U.S.C 112, second paragraph.

The Claim 1 has been amended to include features from lines 6-9 of the original page 5, and from lines 23-27 of the original page 5, in a manner which applicant submits allows to patentably define the originally disclosed invention over the prior art of record, according to which in the claimed color therapy lighting device each one of the plurality of light sources of modulatable color tint, arranged substantially uniformly on the support to which a uniform diffusion screen is attached, comprises three separate light emitters set to different wavelengths and controlled by the electronic controller.

The primary reference **Gardenier *et al.*** discloses an illumination system for spas including one or more light-transferring sources 74 illuminated by one or more light source 76 of the LED-type controlled electronically (column 9, lines 47-66). There is no disclosure or fair suggestion in **Gardenier *et al.*** to a person having ordinary skill in the art to provide applicant's claimed color therapy lighting device including a support with a plurality of light sources of modulatable color tint, arranged uniformly on the support to which a uniform diffusion screen is attached, and each comprising three separate light emitters which are each set to a preset different wavelength and which are each controlled in intensity by an electronic controller. **Gardenier *et al.*** is concerned primarily with providing humidity protection for the illumination device (column 2, lines 44-64).

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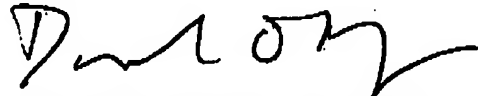
The primary reference **Sullivan** discloses a light wave therapeutic treatment device including a housing or support which supports a physical spatial arrangement of monochrome LEDs including red emitting LEDs (R), IR emitting LEDs (I), and blue emitting LEDs (B) controlled electronically (Figs. 1, 1A, 3A, 4, 5). There is no disclosure or fair suggestion in **Sullivan** to a person having ordinary skill in the art to provide applicant's claimed color therapy lighting device including a support with a plurality of light sources of modulatable color tint, arranged uniformly on the support to which a uniform diffusion screen is attached, and each comprising three separate light emitters which are each set to a preset different wavelength and which are each controlled in intensity by an electronic controller. The device of **Sullivan** entails the disadvantages as set forth in applicant's original disclosure, page 1, line 12 to page 2, line 28, of non-uniform color tint variation whereby the luminous intensity is simply shifted from some regions to other regions depending on the LED arrangement, of insufficient brightness due to a limited surface of the panel with a limited number of combinations, and of an ineffective color tint mixing along the entire surface of the sheet, which also should have a considerable thickness.

Moreover, the existence *per se* of conventional triple-junction LEDs does not constitute an invalidating suggestion to replace each of the separate monochrome LEDs in **Sullivan**, including red emitting LEDs (R), IR emitting LEDs (I), and blue emitting LEDs (B), with triple-junction LEDs. The conventional triple-junction LEDs have never been employed in uniformly arrangement on a support which also has a uniform diffusion screen attached thereto, in the manner as claimed by applicant. Applicant's claimed invention indeed advantageously provides to select among an extremely large number of uniform tints which distributed entirely uniformly lit on the diffusion screen. These advantageous results are surprising and unexpected over the relevant prior art of record which only achieves non-uniform color tint variation of limited range.

In view of the foregoing, applicant respectfully solicits allowance of pending claims 1-10.

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Respectfully submitted,



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